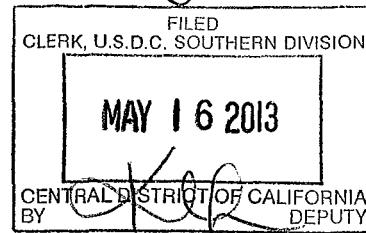


I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL ^{ETC}
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE.

DATED: 5-16-13
KD-DRP
DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LARRY LEE JACKS,

Plaintiff,

vs.

SAN BERNARDINO COUNTY
SHERIFF'S DEPUTY
DYBERG,

Defendant.

} Case No. EDCV 11-1316-GHK (RNB)

} ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

On March 25, 2013, the assigned Magistrate Judge issued a Report and Recommendation herein recommending that defendant's Motion for Summary Judgment be granted and that this action be dismissed with prejudice. Although a copy of the Report and Recommendation was mailed to plaintiff at his address of record on the same day, the copy was then returned undelivered with the box for "Out of Custody" checked off and the notation, "Return to Sender/Unable to Forward."

Under Central District of California Local Rule 41-5, it was incumbent on plaintiff to keep the Court apprised of his current address. The rule further provides that, "[i]f mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties

1 of said plaintiff's current address, the Court may dismiss the action with or without
2 prejudice for want of prosecution."

3 Here, more than fifteen (15) days have elapsed since the service of the Report
4 and Recommendation, and no notice of change of address has been filed by plaintiff.
5 Moreover, based on its review pursuant to 28 U.S.C. § 636 of all the records and files
6 herein, including the Report and Recommendation, the Court concurs with and
7 accepts the Magistrate Judge's findings and recommendation.

8 IT THEREFORE IS ORDERED that (1) defendant's Motion for Summary
9 Judgment is granted; and (2) Judgment be entered dismissing this action with
10 prejudice.

11
12 DATED: 5/14/13

GEORGE H. KING
UNITED STATES DISTRICT JUDGE